

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Whitney Beber	Team: Squad #6	CCRB Case #: 201908236	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) NA, 06/___/2019 3:00 PM	Location of Incident: 52nd Street and 6th Avenue	Precinct: 72	18 Mo. SOL 12/1/2020	EO SOL 7/18/2021	
Date/Time CV Reported Tue, 09/17/2019 6:30 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 09/17/2019 6:30 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. An officer			NARCBBS
2. DT3 Erick Flores	1926	943243	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Erick Flores	Abuse: Detective Erick Flores stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B. An officer	Abuse: An officer stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
C. An officer	Abuse: An officer frisked § 87(2)(b)	
D. An officer	Abuse: An officer searched § 87(2)(b)	
E.DT3 Erick Flores	Abuse: Detective Erick Flores frisked § 87(2)(b)	
F.DT3 Erick Flores	Abuse: Detective Erick Flores searched § 87(2)(b)	
G. An officer	Abuse: An officer searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
H.DT3 Erick Flores	Abuse: Detective Erick Flores failed to provide § 87(2)(b) with a business card.	

### Case Summary

On September 17, 2019, § 87(2)(b) filed the following complaint with the CCRB in-person.

On an unknown date in June 2019, at approximately 3:00 p.m. § 87(2)(b) drove § 87(2)(b) vehicle, with § 87(2)(b) as the passenger. Det. Erick Flores of Narcotics Borough Brooklyn South and an unidentified officer stopped them at 6<sup>th</sup> Avenue and 52<sup>nd</sup> Street in Brooklyn. (Allegations A and B, Abuse of Authority, § 87(2)(g) and § 87(2)(g)). The officers told § 87(2)(b) and § 87(2)(b) to exit and they complied. An unidentified officer allegedly frisked and searched § 87(2)(b) (Allegations C and D, Abuse of Authority, § 87(2)(g) and § 87(2)(g)) and Det. Flores allegedly frisked and searched § 87(2)(b) (Allegations E and F, Abuse of Authority, § 87(2)(g)). An unidentified officer searched § 87(2)(b) vehicle (Allegation G, Abuse of Authority, § 87(2)(g)). Det. Flores did not provide § 87(2)(b) with a business card (Allegation H, Abuse of Authority, § 87(2)(g)). Neither § 87(2)(b) nor § 87(2)(b) were issued a summons or arrested.

Due to no date provided, no video footage was obtained for this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Detective Erick Flores stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (B) Abuse of Authority: An officer stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (C) Abuse of Authority: An officer frisked § 87(2)(b).**

**Allegation (D) Abuse of Authority: An officer searched § 87(2)(b).**

**Allegation (E) Abuse of Authority: Detective Erick Flores frisked § 87(2)(b).**

**Allegation (F) Abuse of Authority: Detective Erick Flores searched § 87(2)(b).**

**Allegation (G) Abuse of Authority: An officer searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

**Allegation (H): Detective Erick Flores failed to provide § 87(2)(b) with a business card.**

On an unknown date in June 2019, at approximately 3:00 p.m. § 87(2)(b) drove § 87(2)(b) vehicle, with § 87(2)(b) as the passenger. At 6<sup>th</sup> Avenue and 52<sup>nd</sup> Street in Brooklyn, Det. Flores and an unidentified officer stopped their vehicle and told them to exit. They complied and Det. Flores frisked § 87(2)(b) arms, waist, legs and entered his two front pockets. The unidentified officer frisked and searched § 87(2)(b) in the same way. The unidentified officer looked in the side of the door, the middle console and the glove compartment of § 87(2)(b) vehicle. § 87(2)(b) did not state that he provided his ID to the officers. The officers then left without issuing a summons or making an arrest. § 87(2)(b) described Det. Flores as an approximately 5'7"-5'8" tall Hispanic male who looked Chinese or Mexican with a black ponytail and a scar by his right eye and identified him by his last name. § 87(2)(b) described Det. Flores' partner as an approximately 20-30-year-old, 5'7" tall Indian male dressed in plainclothes with an average build, big sideburns, a light complexion and black hair. § 87(2)(b) called the CCRB following his interview and stated that he wanted to withdraw the case. Given that § 87(2)(b) expressed that he no longer wished to participate in the investigative process, a photo viewing could not be conducted.

§ 87(2)(b) was contacted but could not recall this incident.

Det. Erick Flores' photograph notes him as a § 87(2)(b)-old, 5'10" tall, 180-pound Hispanic male with brown eyes, black medium length hair, an average build and no facial hair assigned to Narcotics Borough Brooklyn South. In the photograph there is a scar that extends from the center near his hairline to above his right eyebrow (BR01). § 87(2)(g)

§ 87(2)(g)

A search for any warrant audits conducted for § 87(2)(b) and § 87(2)(b) showed that there were three warrant checks conducted for the month of June 2019. On June 11, 2019, at 10:04 p.m., PO Noelle Miglino of the 68th Precinct conducted a warrant check for § 87(2)(b) from the phone. On June 15, 2019, at 4:23pm, Det. Stanislav Kushnir from Narcotics Borough Brooklyn South conducted a warrant search for § 87(2)(b) using a desktop (BR02). On June 18, 2019, at 8:22 and 8:23 p.m. Det. Kushnir conducted a warrant search was conducted for § 87(2)(b) from a desktop. There were no results a warrant search by Det. Flores of the Narcotics Borough Brooklyn South in June 2019. No EVENTS could be requested because there was no incident date.

A NY State Troopers report indicated that two searches were conducted for § 87(2)(b) on June 8, 2019 and one for § 87(2)(b) on June 18, 2019 (BR05 and BR06). The report did not provide any identifying information for the officers who conducted the searches.

CTS notes PO Miglino is a female officer § 87(2)(g)

Based on the dates provided on the warrant search and NY State Trooper check, memo book entries were requested for June 8, 2019, June 11, 2019, June 15, 2019, and June 18, 2019, for PO Miglino, Det. Kushnir and Det. Flores. PO Miglino did not work June 8, 2019, June 11, 2019 or June 18, 2019 (BR03). On June 15, 2019 PO Miglino did not work at the time of this incident.

Det. Kushnir was on vacation on June 8, 2019 (BR04). Det. Flores was on vacation June 15, 2019. (BR04). Neither Det. Kushnir nor Det. Flores had memo book entries regarding a car stop on 52<sup>nd</sup> Street and 6<sup>th</sup> Avenue on any of the dates noted in the warrant audits. Det. Flores' memo book notes that he was partners with Det. Jackson on June 8, 2019, partners with Det. Michael Wolfe on June 11, 2019 and partners with Det. Kushnir on June 18, 2019. There are two detectives with the last name Jackson who work in Narcotics Borough Brooklyn South, both of whom are black males. Det. Wolfe and Det. Kushnir are white males. § 87(2)(g)

Det. Kushnir's photograph notes him as a § 87(2)(b)-old, 6'3" tall, 250-pound white male with brown eyes, black hair, a heavy build and no facial hair (BR09). § 87(2)(g)

Det. Flores testified that he had no recollection of conducting a car stop of § 87(2)(b) and § 87(2)(b) in June 2019. Further, he did not recognize the photograph of § 87(2)(b). While he knew of § 87(2)(b) from an arrest in September 2019, he did not interact with him prior to this arrest. A description of the second officer was provided to Det. Flores, which he did not recognize as an officer he knew.

§ 87(2)(g)

### Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 87(2)(b) [REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
  - [REDACTED]  
[REDACTED]  
[REDACTED]
- Det. Flores has been a member of the NYPD for 13 years and has been a subject in 11 cases and 28 allegations, two of which were substantiated.
  - Case number 201202113 involved substantiated allegations of a stop against Det. Flores. The Board recommended charges and the NYPD imposed instructions.
  - Case number 201210255 involved substantiated allegations of a stop against Det. Flores. The Board recommended charges and the NYPD imposed a forfeiture of a vacation day.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) [REDACTED] declined to have his complaint mediated.
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- § 87(2)(b) [REDACTED]  
[REDACTED]  
[REDACTED]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature                      Print Title & Name                      Date

Squad Leader: \_\_\_\_\_  
Signature                      Print Title & Name                      Date

Reviewer: \_\_\_\_\_  
Signature                      Print Title & Name                      Date